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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,058	03/22/2004	Ron Richardson	04-01001	7991

34111 7590 04/21/2006

Bay Area Patent Group, LLC
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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,058	Applicant(s) RICHARDSON, RON	
	Examiner John Q. Nguyen	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,13-17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, it is not clear which first and second ends are being referred to.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Khokhar (US-6185791). The "base" reads on the upper substantially straight portion of element 13 in fig. 7, the "strap" reads on the portion of element 13 extending from the base and through the slot.

Claim 21 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Khokhar (US-6185791). It appears that a portion of the right end of the base (figs. 1 and 7) is perpendicular to the base (the left end is perpendicular as shown in fig. 6), or alternatively, that the right end of the base is perpendicular would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental

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preference, design criteria (such as to obtain a desired shape to fit into a particular space or to surround a particular cord bundle shape), and space optimization, since the base and the strap is flexible.

Claims 1, 2, 8-11, 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Liu (US-2003/0066169). The portion of element 20 adjacent and extending from opening 120 is the "first base member" and element 10 comprise the "second base member", the rest of element 20 is the "strap". Element 20 and 10 are in frictional contact. Note the latches 11 and 12.

Claim 21 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Liu (US-2003/0066169). . It appears that a portion of the left end of the base (at least figs. 6 and 8) is perpendicular to the base (the right end is perpendicular as shown in at least fig. 6 and 8), or alternatively, that the left end of the base is perpendicular would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria (such as to obtain a desired shape to fit into a particular space or to surround a particular cord bundle shape), and space optimization, since the strap is flexible.

Claims 5, 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US-2003/0066169) in view of Lyons (US-5881436) and Hu (US-4778125).

Lyons teaches the winding of elongated material on a flexible strap similar to Liu's device. Hu shows a cord/cable winding device having various cord clips 122,131, and 141 positioned at various locations for convenience. In view of the prior art as a whole, It would have been obvious to a person having ordinary skill in the art to wind a cord/cable around the device of Liu as taught by Lyons and to provide the device of Liu with a plurality of cord clips as taught by Hu to conveniently clip the cord to prevent the cord from unraveling. Size adaptors are old and well known for bridging the size gap between two devices and Official notice is hereby taken of such; therefore the provision of such adaptors to the cord to enable the cord to be clipped by the cord clips would have been obvious to a person having ordinary skill in the art. Swivel connections are old and well known for enabling orientations in different directions and Official notice of such is hereby taken; therefore, the provision of swivel connectors to provide a swiveling connection to the cord clips would have been obvious to a person having ordinary skill in the art to adapt the cord clips to a variety of orientation.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US-2003/0066169) in view of Lassiter et al (US-6158095).

Lassiter et al discloses a cord adaptor 32 for attachment to a cord for engagement with a clip. To provide the adaptor with raised edges (physical stop) so

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that the adaptor does not move relative to the clip would have been obvious to a person having ordinary skill in the art as is known in the mechanical art.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Lyons and Hu as applied to claims 5, 7, 14 above, and further in view of Lassiter et al (US-6158095).

Lassiter et al discloses a cord adaptor 32 for attachment to a cord for engagement with a clip. To provide the adaptor with raised edges (physical stop) so that the adaptor does not move relative to the clip would have been obvious to a person having ordinary skill in the art as is known in the mechanical art.

Applicant's arguments filed 3/22/06 have been fully considered but they are not persuasive.

No structural features are recited to distinguish the base from reading on a portion of an element which also functions as a strap, therefore, as noted above, the base reads on Khokhar and Liu.

In response to applicant's argument that adaptors are known for adapting to size, the fact that applicant has recognized another advantage (preventing wear) which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "preventing wear") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As noted above, Lyons teaches winding on a device similar to Liu's, therefore the combination would have been obvious.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

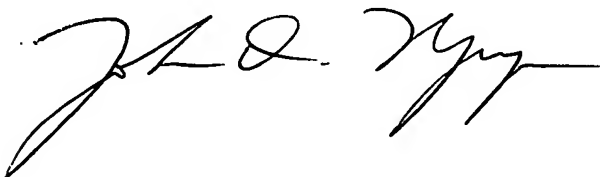
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday-Thursday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Q. Nguyen', with a stylized, flowing script.

John Q. Nguyen
Primary Examiner
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